

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DIMITRI LUPINSKI, A#97-513-737

*

Petitioner,

v.

* CIVIL ACTION NO. JFM-05-2056

I.C.E.

*

Respondent.

MEMORANDUM

Petitioner Dimitri Lupinski, a native of the U.S.S.R. and a citizen of Georgia, filed this 28 U.S.C. § 2241 Petition for writ of habeas corpus relief on July 27, 2005. Paper No. 1. Petitioner claims that: he was taken into Department of Homeland Security, Immigration and Customs Enforcement (“ICE”) custody on June 16, 2004; he has fully cooperated with all efforts by ICE to remove him; and his continued post-removal-order detention violates due process and 8 U.S.C. § 1231(a)(6) under *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Id.* He seeks release from ICE custody and an injunction to enjoin Respondent from detaining him further.¹ *Id.*

A response was filed on August 26, 2005. Paper No. 5. The record shows that on January 31, 2005, petitioner was ordered removed from the United States to Georgia. *Id.*, Ex. B. Respondent claims that petitioner was released from ICE custody under an order of supervision to a Brooklyn, New York address on August 20, 2005. *Id.*, Ex. C. His release from custody on immigration supervision moots petitioner’s habeas relief request. *See Picron-Peron v. Rison*, 930 F.2d 773, 775-76 (9th Cir. 1991). Therefore, his petition shall be dismissed. A separate Order follows.

Date: September 22, 2005

/s/

J. Frederick Motz
United States District Judge

¹ Petitioner’s motion for leave to proceed in forma paupers shall be granted.